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SIPDIS

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E.O. 12958: N/A
TAGS: KFRD CVIS CPAS CMGT ASEC MI
SUBJECT: FRAUD SUMMARY - MALAWI

REF: (A)08 STATE 074840; (B)07 STATE 67349; (C)07 STATE 171211;
(D)05 STATE 205073; (E)03 STATE 340565; (F)00 STATE 98138

¶1. Per reftel (a), Post submits the following semi-annual report for the period March 2009 through August 2009.

COUNTRY CONDITIONS

¶2. Landlocked Malawi is one of the world's most densely populated and least developed countries. The economy is predominately agricultural with approximately two-thirds of the population living in poverty. The Malawi Government faces many challenges including developing a market economy, improving educational facilities, dealing with the challenges posed by HIV/AIDS, maintaining fiscal discipline and reinforcing anti-corruption practices. Faced with the difficulty of improving one's economic situation, Malawians often seek a better life elsewhere. The United States remains an attractive destination for some of those individuals.

¶3. Lilongwe is a medium-low fraud post. Malawian passports and residency permits, along with most civil documents, can be obtained with falsified identity information. This situation, coupled with its porous borders, understaffed and ill-equipped immigration and law enforcement offices, makes Malawi a highly attractive target for mala fide travelers and immigrant traffickers. In view of Malawi's location on the land transit route from East Africa to South Africa, many refugees, asylum seekers, and other parties headed to South Africa often seek fraudulently obtained identity documents in Malawi. Malawian government officials recognize the susceptibility of their country to these challenges and threats, but thus far have been unable to take effective action to curb this security failing.

NIV FRAUD

¶4. NIV fraud is generally unsophisticated, with a sizable number of cases committed by third country nationals posing as Malawian citizens or residents. In the past, Ethiopians, Eritreans, Pakistanis, Somalis, Burundians, Rwandans, Zimbabweans and DRC nationals have been discovered illegally transiting Malawi. These individuals are known to have obtained illegitimate documents and passports for travel to South Africa and the US. Post has not detected any organized fraud in Malawi. Typically, consular officers do not rely on documentation submitted by applicants because of its susceptibility to fraud.

¶5. During the reporting period, post detected an applicant who assumed the identity of a previously refused applicant. The mala fide applicant used the prior applicant's passport and photo as his appearance and facial features were similar to the prior applicant. The mala fide applicant was refused after Post detected his attempted subterfuge. Subsequently, the prior applicant, who Post believes was complicit in the fraud, refused to cooperate with

Post's investigation into the matter.

¶16. Post has experienced a decrease in student visa fraud in the years since the Malawi government added enhanced security features to Malawi School Certificate of Education (MSCE) certificates (roughly equivalent to high school diplomas), making them less susceptible to alteration.

¶17. We continue to experience a large number of travelers "sponsored" by various churches, religious groups and individual missionaries in the United States. Given the large number of religious-related avenues available to travel to the United States, church affiliation is viewed in Malawi as an effective method to obtain a visa. These travelers typically apply with another person who is clearly approvable or has already been to the United States and returned. For example, Post handled a large number of applicants seeking to attend the Seventh Day Adventist Youth Camporee in Wisconsin this past August. Post coordinated checks with both the local Church and Church leaders in the United States in an attempt to eliminate mala fide applicants. When detected, Post applies appropriate ineligibilities for these individuals who knowingly used their position and/or travel history to advance the applications of unqualified applicants.

IV FRAUD

¶18. IV fraud generally relates to the IV application process rather than the applicant's relationship to the petitioner. Many of our IV cases deal with third country nationals (TCN) who reside in Malawi. Verification of documentation in these cases is extremely

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challenging.

DV FRAUD

¶19. N/A. Post's DV cases are handled and processed by Embassy Harare.

ACS AND U.S. PASSPORT FRAUD

¶10. Post has not detected any cases involving ACS or passport fraud during the reporting period. With our low ACS load, Post is able to give considerable oversight and review of our passport and CRBA cases.

ADOPTION FRAUD

¶11. Adoption fraud is not yet an issue in Malawi. Malawi's restrictive adoption laws and requirements have so far deterred most AMCITs interested in pursuing inter-country adoptions. Previously, most adoptions petitions were processed through the I-130 process and Post is able to undertake in-depth reviews of the documentation and the orphan status of the adoptee child. However, in a recent hi-profile adoption court case, the Malawi Supreme Court rendered a decision which may serve to open the door to increased inter-country adoptions. Post has already experienced a significant percentage increase in I-600 adoption cases with NVC forwarding five approved I-600As in the last two months alone. Normally, Post might receive one or two I-600s for an entire year. Post will track this trend and report on any developments.

USE OF DNA TESTING

¶12. Post did not conduct DNA testing during the reporting period.

ASYLUM AND OTHER DHS BENEFIT FRAUD

¶13. Post did not handle any asylum or DHS benefit cases during the reporting period. Post did, however, receive approved Visas 92/93 cases from the National Visa Center (NVC). Establishing the relationship between petitioners and beneficiaries is difficult in such cases and Post has limited resources to carry out investigations to establish relationships between the petitioners and the beneficiaries. Visas 92 and 93 beneficiaries are typically not citizens or permanent residents of Malawi. If possible, the Department of Homeland Security and United States Citizenship and Immigration Service (DHS/USCIS) should provide additional information that could help establish relationships between the petitioners and beneficiaries. For example documents that could assist Post in establishing relationships may include birth certificates or records, marriage certificates, national identification cards, school records, church records, family photographs, health records, home village addresses, home town area addresses, province/region or district addresses, occupational records, clan or tribe, mother language, father language, last address before travel to the US, and/or any other relevant information that could lead to confirming family relationships.

ALIEN SMUGGLING, TRAFFICKING, ORGANIZED CRIME, AND TERRORIST TRAVEL

¶14. Per Paragraphs 3 and 4 above, Malawi serves as a transit country for third country nationals enroute to South Africa. According to Malawian Authorities, smugglers reportedly charge aliens transiting Malawi the equivalent of \$1400 U.S. dollars.

DS CRIMINAL FRAUD INVESTIGATIONS

¶15. The Regional Security Office and Consular Section have a strong working relationship and have frequently collaborated on cases and issues of concern.

HOST COUNTRY PASSPORTS, IDENTITY DOCUMENTS, AND CIVIL REGISTRY

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¶16. Malawi's primary identity documents (passports, birth certificates, etc.) create the biggest challenge for Post's fraud prevention efforts. Genuine documents containing fraudulent information are the biggest threat. Most documents are easily obtained by applicants from any area or level of socio-economic status. Birth certificates, death certificates, and marriage certificates are often created many years after the event and merely reflect the attestation of the individual requesting the document. Malawi's lack of document controls means that corruption and bribery are not essential to receive any new document desired. Malawi's Commissioner of Immigration has informed us that a new, more secure passport may be issued early in 2010.

COOPERATION WITH HOST GOVERNMENT AUTHORITIES

¶17. Post has received satisfactory cooperation from host country counterparts. While Malawian Immigration and Police Officials have been very cooperative with our requests to verify documents and cooperate with investigations, Malawi does not have sufficient resources, training or expertise to counter the gaps in the security of their identity documents. Post is working to provide the GOM with Department sponsored training in this regard.

AREAS OF PARTICULAR CONCERN

¶18. The availability of genuine identity documents using false information is a significant concern. As a general rule, most Malawians do not obtain an identity document until they are an adult. At that juncture, as long as they have a friend or relative willing to attest to their chosen "identity", they can receive a birth certificate which is then used to obtain an official government identity document such as a passport. This fact, coupled with Malawi's porous borders and its location as a transit route in proximity to East African nations known to harbor terrorists and criminals, raises the specter of mala fide travelers obtaining U.S. visas or Malawi passports through fraud.

STAFFING AND TRAINING

¶19. Post's Consular Section consists of one Consular Officer, one EFM and one LES - there is no dedicated FPU. The Consul has extensive experience and attended FSI's Advanced Consular Course, and has previously attended FSI's Analytic Interviewing and Advanced Consular Name checking Techniques courses.

¶20. The LES Consular Assistant is designated the fraud investigator for the consular section and has received OJT. This LES (along with Consul) have developed excellent working relations with the local and national-level Malawi authorities including Immigration, Police, Airline representatives, and the Malawi National Examination and Testing Board (MANEB). The LES Consular Assistant has not received formal fraud training, and was recently denied a training seat in the November 2009 FSN Fraud course. Post has been promised serious consideration for the March 2010 convening of this course.

BODDE